

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION

Anthony Scott Hughes,)	C/A No.: 9:06-3549-JFA-GCK
)	
Plaintiff,)	
vs.)	O R D E R
)	
Scott Bodiford; Mr. Daugherty and Mrs. Krein,)	
)	
Defendants.)	
)	

The *pro se* plaintiff, Anthony Scott Hughes, initiated this action pursuant to 42 U.S.C. § 1983 contending that while he was a pretrial detainee at the Greenville County Detention Center, the defendants violated his constitutional rights. Specifically, the plaintiff alleges he contracted methicillin-resistant staphylococcus aureus (“MRSA”) and that the defendants did not provide him with proper medical care.

The defendants filed a motion for summary judgment. An order was issued pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975) notifying plaintiff of the summary dismissal procedure and possible consequences if he failed to adequately respond to the motion for summary judgment. Plaintiff did not respond to the motion. The Magistrate Judge then issued a second order on May 23, 2007 giving the plaintiff an additional 20 days to respond to the defendants’ motion for summary judgment. Again, the plaintiff did not respond to the order.

The Magistrate Judge assigned to this action¹ has prepared a Report and Recommendation wherein he suggests that this action should be dismissed for lack of prosecution pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. The plaintiff was advised of his right to file objections to the Report and Recommendation, which was entered on the docket on June 14, 2007. He did not file objections² to the Report.

After a careful review of the record, the applicable law, and the Report and Recommendation, the court finds the Magistrate Judge's recommendation to be proper and the Report is incorporated herein by reference.

Accordingly, this action is dismissed pursuant to Fed. R. Civ. P. Rule 41(b).

IT IS SO ORDERED.

July 9, 2007
Columbia, South Carolina

Joseph F. Anderson, Jr.
United States District Judge

¹ The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

² Under 28 U.S.C. § 636(b)(1), the district court is obligated to conduct a *de novo* review of every portion of the Magistrate Judge's Report to which objections have been filed. The court reviews the Report only for clear error in the absence of an objection. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005). *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to timely file specific written objections to the Report and Recommendation will result in waiver of the right to appeal from a judgment of the District Court based upon such Recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985).